

From: Jenkins, Jason [Jason.Jenkins@CityofPaloAlto.org]
Sent: Friday, January 05, 2007 2:54 PM
To: Taskforcecomments
Subject: Identity Theft Task Force

Task Force Members,

I am writing to you with some of the issues that I, as a Detective investigating Economic Crimes, commonly face when dealing with the identification and prosecution of Identity Thieves. Although there are many issues with the current process, I will only list a few for the sake of your time.

Regularly, victims report Identity Theft and other Identity Crimes to our agency, even when that crime has occurred elsewhere. We are tasked with identifying the location of the crime, investigating the crime if local, or forwarding the case to the appropriate jurisdiction if not. Oftentimes, the victims will not have the necessary information to assist in identifying the actual location(s) where the crime occurred. The victims regularly 'hit a brick wall' when dealing with a financial institution (even when it's their own) in attempts to gather the pertinent information to report to police. The financial institutions (banks, credit card companies, retails stores etc.) decline to provide the victims with any information once they determine fraud exists on the account(s). In these situations, officers or investigators will attempt to gather the necessary information by calling the financial institution directly. More often than not we are met with resistance by the institutions who demand a subpoena or search warrant due to privacy issues. In many instances, law enforcement is unable to gather the necessary details of the crime(s). This is in part due to the fact that the vast majority of Economic Crime Units are understaffed and have a large in-flux of these cases, and the fact that drafting four page search warrants (in California subpoenas are only issued by the courts after a case is prosecuted) for every Identity Crime is not practical. If we are lucky and get the information that we are seeking, it is most often too late to recover any digital or physical evidence necessary to identify and locate the suspect(s) responsible.

Considering that many criminals have traded in their handgun and ski-mask for the tools necessary to commit Identity Crimes, I believe that this epidemic will only get worse. The solutions to the aforementioned issues are as follows.

Law Enforcement Officers and Investigators should not have draft a four page search warrant in order to identify the location where a crime occurred or the account details of a victim who has reported Identity Theft. In instances where financial institutions are demanding legal paper for the information, it would be time saving to have a subpoena-style official document that we (law enforcement) could complete and send to request this information. This would improve the chances of gathering the pertinent data necessary to identify and prosecute the perpetrators. Additionally, the design and implementation of nationwide law enforcement database where police departments could electronically transmit Identity Theft reports to the appropriate jurisdiction, rather than sending via the postal channels, would expedite the investigative process thereby

increasing the chances of a successful prosecution. Currently, if an agency determines that the incident occurred in "X" jurisdiction, they would need to complete the report and initial investigation and forward that paper report through the city postal channels. The report would make its way to the U.S. postal channels where it would be shipped to the appropriate jurisdiction. Once it has arrived at the jurisdiction, it would have to again go through the city postal channels until it reached the investigative division where it would be assigned to an investigator. This takes away much needed time to gather the electronic and/or physical evidence before it is destroyed. An electronic version replacing this system would streamline this process and is much needed.

These are just a few of the ideas that many of us in law enforcement believe would assist us in "catching the crooks" who take part in Identity Crimes. I sincerely thank you for your time and wish your task force the best of luck in streamlining the investigative process when dealing with the growing crime of Identity Theft. If you should have any questions, please feel free to contact me.

Regards,

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